

Amendment
Appln. No. 10/041,945
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REMARKS

Introduction

This Amendment is responsive to the Office Action mailed on December 30, 2005. Claims 1-31 were pending in the application. Claims 1-5, 8-11, 13-15 and 17-30 were rejected and claims 6, 7, 12, 16 and 31 objected to in the Office Action. A new title was also required.

By this response claims 1, 9, 19 and 30 are amended. A new title is presented. Reconsideration of claims 1-31 and allowance of the application in view of these amendments and remarks are requested.

Title Rejection

By this response the title of the application is amended to "Suspension Base Plate With Boss Tower Having Tapered Swage Ball-Engaging Surface." This title is clearly indicative of the invention to which the claims are directed. Withdrawal of the requirement for a new title is requested.

§ 102 Rejection Based On Miyazaki Patent

Claims 1-5, 9-11, 14, 15, 17-20, 29 and 30 were rejected under 35 U.S.C. § 102 as being anticipated by the Miyazaki et al. U.S. Patent 5,602,698. Among other points, the Office Action refers to the base plate shown in Figure 17B and asserts that the surface of the annular groove 42 that is closest to the flat portion 30 reads on and performs the function of the claimed tapered surface.

The applicant respectfully disagrees with this position. The groove 42 of the base plate shown in the Miyazaki patent absorbs the stresses developed during the caulking or swaging operation. In effect, this annular groove is the region of the boss tower that will bend when the swaging ball is forced into engagement with the cylindrical portion 32 during the swaging process. There is no suggestion in the Miyazaki patent that the annular groove

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42 is configured to be contacted by the swaging ball during the swaging process. Nor is there any suggestion that it can provide the advantages associated with the applicant's invention.

By this response claims 1, 9, 19 and 30 are amended to more particularly point out and distinctly claim these differences between the invention and the base plate shown in the Miyazaki patent. In particular, these claims all now recite a base plate having a swaging hole with a tapered *swaging tool-engaging inner* surface. These claims have also been amended to characterize the boss tower as extending from the flange portion. Since a base plate having these features and associated advantages is neither taught nor suggested by the Miyazaki patent, withdrawal of the § 102 rejection in view of this patent is requested.

§ 102 Rejection Based On Brooks Patent

Claims 1-5, 9-11, 14, 15, 17-28 and 30 were rejected under 35 U.S.C. § 102 as being anticipated by the Brooks, Jr. et al. U.S. Patent 5,717,545. Among other points, the Office Action refers to the base plates shown in Figure 10 and asserts that the upper or end surface of the boss (identified by numeral 38 in Figures 9A-9C) reads on and performs the function of the claimed tapered surface.

For reasons similar to those discussed above, the applicant respectfully disagrees with this position. The surface referred to in the Office Action is the distal end surface of the boss tower. This surface is described in the Brooks patent as being a frusto-conical surface. However, it is not the inner surface of the boss tower swaging hole. There is no suggestion in the Brooks patent that the taper on this end surface provides the advantages associated with the applicant's invention. For these reasons and in view of the claim amendments described above characterizing the invention as a base plate having a swaging hole with a tapered *swaging tool-engaging inner* surface, withdrawal of the § 102 rejection in view of the Brooks patent is requested.

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§ 103 Rejection Based On Miyazaki or Brooks Patent

Claims 8 and 13 were rejected under 35 U.S.C. § 103 as being unpatentable over the Miyazaki or the Brooks patent as applied to claim 1. The position was taken that it would have been obvious to fabricate the flange portion to include aligning holes in view of well known practices. However, as presented, claims 8 and 13, which depend from claims 1 and 9, respectively, include features neither taught nor suggested by the Miyazaki or Brooks patents or the other prior art of record. Withdrawal of the § 103 rejection in view of these patents is therefore requested.

Indication of Allowability

The statement that claims 6, 7, 12, 16 and 31 would be allowable if rewritten in independent form is appreciated. However, these claims are believed to be allowable as presented in view of the amendments and remarks set forth above.

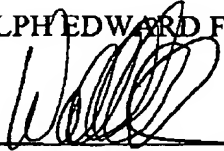
Conclusion

All pending claims 1-31 are in condition for allowance. Notice to that effect is respectfully requested.

Respectfully Submitted,

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Dated: May 1, 2006

M2:20793613.01